

claims 23 – 27, 39, and 40 (Group IV).

REMARKS

Claims 1 – 20, 22 – 27, and 33 – 41 are pending in the application. The examiner required restriction among claims 1 – 3, 33, and 34 (Group I), claims 4 – 13, 35, and 36 (Group II), and claims 14 – 20, 22, 37, 38, and 41 (Group III), all drawn to methods of distributing data over a network in a secure fashion, and claims 23 – 27, 39, and 40 (Group IV), drawn to a method of securely utilizing downloaded data in the context of a media player.

Applicants have elected the Group I claims, claims 1 – 3, 33, and 34, for immediate prosecution. However, applicants traverse the division of claims 1 – 20, 22, 33 – 38, and 41 into three separate groups.

To make out a proper restriction requirement, the examiner must determine that there is *no relationship between the inventions claimed* (Manual of Patent Examining Procedure (MPEP) §§ 808.01(a) and 808.02). MPEP §808.01 explains that claims recite independent inventions when “they are not connected in design, operation, or effect under the disclosure of the particular application under consideration.” It is respectfully submitted that the Group I claims, the Group II claims, and the Group III claims (as grouped by the examiner) in the instant application are sufficiently related to one another that they do not comprise separate inventions, and are sufficiently related such that examination will not place an undue burden on the examiner.

All of claims 1 – 20, 22, 33 – 38, and 41 are drawn to methods of distributing data over a network in a secure fashion. Applicants disagree that the Group I claims, claims 1 – 3, 33, and 34, are drawn to merely “receiving data at a client.” It is true that, in the context of the Group I claims data are received at a client, but that is not the sole thrust of the claims. Moreover, claims 4 – 13, 35, and 36 (Group II), and claims 14 – 20, 22, 37, 38, and 41 (Group III), also deal with data received at a client. There is no logical basis for dividing out the Group II claims on the ground that they are drawn to use of cryptography or dividing out the Group III claims on the ground that they are drawn to controlling access to network resources for a period of time.

Applicants note that none of independent claims 1, 4, and 14 expressly recite “cryptography,” although all of those claims do include the concept of encrypted data. And

that is a key point: all the claims include the concept of “cryptography,” so there is no logical basis to divide out claims 4 – 13, 35, and 36 (Group II) on the ground that they, and presumably they alone, are drawn to use of cryptography. All of the Group I, Group II, and Group III claims use the concept of cryptography in the context of distributing data over a network, and thus are so “connected in design, operation, or effect under the disclosure of the particular application under consideration” that they recite a single inventive concept.

Moreover, with respect to the Group III claims, controlling access to network resources for a period of time is, at best, only one element of a claim (claim 14) that recites several other steps. It does not follow that, simply because a claim includes a specific step, it must be segregated solely on the basis of that step.

CONCLUSION

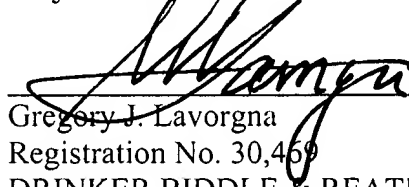
The examiner has made no showing that the inventions recited in claims 1 – 20, 22, 33 – 38, and 41 “are not connected in design, operation, or effect under the disclosure of the particular application under consideration” so as to constitute separate inventions. Rather, Applicants submit that the examiner has seized on individual features of the claims in an effort to artificially divide the claims by those features, rather than considering the claims for what they recite as a whole.

Withdrawal of the restriction requirement as between claims 1 – 20, 22, 33 – 38, and 41 is requested, and an early action on the merits of those claims is solicited.

In any event, an early action on the merits of at least claims 1 – 3, 33, and 34 is requested.

Respectfully submitted,

Kaijun TAN, *et al.*



Gregory J. Lavorgna

Registration No. 30,469

DRINKER BIDDLE & REATH LLP

One Logan Square

18th and Cherry Streets

Philadelphia, PA 19103-6996

Tel: (215) 988-3309

Fax: (215) 988-2757

Attorney for Applicants